

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

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STEPHANIE REYGADAS

Plaintiff,

Case No. 2:18-cv-02184-PKH

v.

DNF ASSOCIATES, LLC

Defendant.

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**DECLARATION OF DAVID J. MACZKA**

1. I am the Chief Compliance Officer of DNF Associates, LLC (“DNF”), and as such I have personal knowledge of the facts herein.

2. I submit this Declaration in support of DNF’s Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56.

3. DNF is a passive purchaser of debt, which means it does not engage in any collection activities concerning the debt that it owns or acquires, such as Plaintiff’s account at issue. Specifically, DNF does not perform any collection activities such as drafting or sending notices to consumers, contacting consumers over the telephone or directing the activities of any third party debt collectors with whom DNF contracts to collect outstanding debts.

4. I have reviewed Plaintiff Stephanie Reygadas’ (“Plaintiff”) Amended Complaint wherein Plaintiff alleges that DNF directed the conduct or collection efforts of non-party Radius Global Solutions, LLC (“RGS”) and as a result violated the Fair Debt Collection Practices Act and Arkansas Fair Debt Collection Practices Act. Despite Plaintiff’s claims, DNF does not direct or control the conduct of the third party collection agencies with whom it contracts, including RGS.

5. DNF did not engage in collection efforts on Plaintiff's account. Specifically, DNF did not draft or send any notices to Plaintiff, did not contact or attempt to contact Plaintiff over the telephone or through any other medium and did not exercise any direction or control over the purported collection activities that are the subject of the Amended Complaint.

6. DNF does not employ any individuals who actively collect or attempt to collect debts.

7. At the time of the allegations in the Amended Complaint, DNF purchased the subject account ("the Account") from Purchasing Power, LLC, who was the original creditor.

8. DNF retained Michael A. Jacob II, and Jacob Law Group, PLLC (collectively the "Jacob Firm") to engage in collection efforts on behalf of DNF regarding Plaintiff's Account.

9. The Jacob Firm filed a lawsuit in Arkansas on behalf of DNF in attempt to collect on the outstanding balance of Plaintiff's Account, which was dismissed without prejudice.

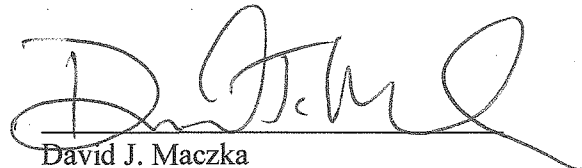
10. DNF then retained RGS to engage in collection efforts on behalf of DNF regarding Plaintiff's Account.

11. DNF only provided Plaintiff's information related to the Account, including Plaintiff's name, date of birth, address, telephone number, original creditor, account balance and date the Account was opened to RGS. Attached as Exhibit A is the information transmitted to RGS regarding Plaintiff's Account.

12. DNF did not provide RGS with any information relating to the lawsuit filed by the Jacob Firm.

13. I declare under the penalty of perjury that the foregoing is true and correct.

DATED: March 12, 2019



David J. Maczka

# Exhibit A

COMP	Lot_GROUP	Lot#	Originator	OrigAcctNo	LastName	FirstName	SSN	DOB	Old_Address
NLG	LOT_51394_51395	51395128	PURCHASING POWER		REYGADAS	STEPHANIE			1722 ELM ST

Old_City	Old_State	Old_ZIP	UPB	OrigDate	LstPayDte	Last_active	CO Date	MM Address	MM City	ST	MM Zip
VAN BUREN	AR	72956	1,003.90	11/11/2014	12/23/2014		6/24/2015	1722 ELM ST	VAN BUREN	AR	72956

Old_Phone	Old_Phone	MM Phone1	Ph1s	MM Phone2	Ph2s	Ph.3	Ph3s	Experian P	Ph1s_A	Experian P	Ph2s_A
		562-290-9205	GR	479-685-9979							

Experian P	Ph3s_A	Best Phon	ph1s_bmf	Bad_exp1	Bad_exp2	Bad_exp3	Bad_Ph1	Bad_Ph2	Bad_Ph3	Co_First	Co_Last
				479-544-1225			479-544-3396	479-544-1924			

Co_SSN	Co_Phone	Level
		BH



**MM Notes**

# OF PURCHASES 1 SEE MEDICAL TABLE FOR ADDITIONAL EMPLOYER AT TIME OF PURCHASE EXPERIAN, INC PRODUCTS PURCHASED Canon PowerShot EO

Creditor	Day_stat_op
DNF Associates LLC	605

COMP	Lot_GROUP	Lot#	Originator	Origacctno	UPB	LastName	FirstName	SSN	DOB	Old_Address
NLG	LOT_51394_51395	51395128	PURCHASING POWER		1,003.90	REYGADAS	STEPHANIE			1722 ELM ST

Old_City	Old_State	Old_ZIP	OrigDate	LstPayDte	CO Date	MM Address	MM City	ST	MM Zip	Old_Phone	Old_Phone_2
VAN BUREN	AR	72956	11/11/2014	12/23/2014	06/24/2015	1722 ELM ST	VAN BUREN	AR	72956		

MM Phone1	Ph1s	MM Phone2	Ph2s	Ph.3	Ph3s	Experian Phone1	Ph1s_A	Experian Phone2	Ph2s_A	Experian Phone3	Ph3s_A
562-290-9205	GR	479-685-9979									

Best Phone1	Date_Service	Date_Release	Med_Group
	11/11/2014	12/23/2014	

Service
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Canon PowerShot EOS Rebel T5 SLR Camera with 18-55mm Lens, 55-250mm Lens, Shoulder Bag, Creative Insights, and 8GB SDHC Card (1);SquareTrade 2-Year Camera/Car
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Doctor	Patient First	Patient Last	Patient SSN	Insurance	Bad_Ph1	Bad_Ph2	Bad_Ph3	Bad_exp1	Bad_exp2	Bad_exp3	Creditor
ncorder Warranty (1)					4795443396	4795441924		4795441225			DNF Associates LLC